



MICHIGAN
HOUSE OF REPRESENTATIVES
P.O. Box 30014
LANSING, MICHIGAN 48909-7514

MINUTES OF THE COMMITTEE
ON
LAW AND JUSTICE

Tuesday, October 2, 2018 8:30 a.m. Room 327 House Office Building

The House Standing Committee on Law and Justice was called to order by Chairman Kesto.

Members present: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Robinson, Guerra, Liberati, Wittenberg.

Members absent/excused: None.

Representative Lucido moved to adopt the minutes of September 25, 2018. There being no objection, the motion prevailed by unanimous consent.

Chairman Kesto laid the following bills before the committee:

- | | | |
|---------|--------------|--|
| HB 6253 | (Kesto) | Crimes; embezzlement; crimes involving embezzlement; include cryptocurrency in definitions in embezzlement section in penal code. |
| HB 6254 | (Farrington) | Crimes; definitions; definition of cryptocurrency in money laundering definition section of penal code; provide for. |
| HB 6255 | (Marino) | Crimes; animals; crimes involving dog fighting; include other thing of value in prohibition on profiting from dog fights. |
| HB 6256 | (LaFave) | Crimes; organized; crimes involving racketeering; include money, property, or any other thing of value in description of financial gain from racketeering. |
| HB 6257 | (VanderWall) | Crimes; forgery; crimes involving forgery and counterfeiting; include altering a record by use of distributed ledger technology. |
| HB 6258 | (Guerra) | Crimes; credit cards; crimes involving credit cards; include cryptocurrency and distributed ledger technology in definition section of credit chapter in penal code. |

Representative Farrington testified in support of the bill package. Questions and discussion followed.

Beatrice Friedlander, representing the Attorneys for Animals, submitted written testimony in support of HB 6255.

Chairman Kesto laid the following bill before the committee:

HB 6397 (Bizon)	Legislature; legislative agencies; the legislative corrections ombudsman; exempt certain information from certain disclosure and clarify investigation procedures.
-----------------	--

Representative Bizon and Keith Barber, Legislative Corrections Ombudsman, testified together in support of the bill. Questions and discussion followed.

Chairman Kesto laid the following bills before the committee:

HB 6203 (Vaupel)	Crimes; assaultive; crime of assaulting a person performing job-related duties; expand to include health professionals and medical volunteers.
------------------	--

HB 6204 (Vaupel)	Criminal procedure; sentencing guidelines; sentencing guidelines for crime of assaulting or battering or endangering a health care professional or medical volunteer; provide for.
------------------	--

Representative Vaupel, Belinda Chandler and Michael Gratson, M.D., both representing the Michigan College of Emergency Physicians, testified together in support of the bills. Questions and discussion followed.

Donna Emch, Gayle Novack, and Jeremy Keinath, all representing Ascension Michigan, testified together in support of the bills. Questions and discussion followed.

The following people submitted a card and/or written testimony in support of the bills, but did not wish to speak:

Arika Sinnot, representing the Michigan Pharmacists Association.

Brandi Uren, representing the Michigan Emergency Nurses Association.

Justin Fisher, representing the Michigan State Medical Society.

John McNamara, representing McLaren Health Care.

Jeff Breslin, RN, representing the Professional Employee Council Sparrow Hospital and the Michigan Nurses Association.

Jamie Brown, representing the Michigan Nurses Association.

John Shaski, representing Sparrow Health Systems.

Paige Fults, representing the Michigan Health and Hospital Association.

Chairman Kesto laid the committee at ease, the time being 9:40 a.m.

Chairman Kesto called the committee back to order, the time being 9:41 a.m.

Chairman Kesto laid the following bills before the committee:

HB 6134 (Chang)	Crimes; weapons; crimes of prohibition of possession of firearms and distribution of ammunition by persons convicted of certain felony; expand to include individuals convicted of misdemeanor domestic violence crimes.
HB 6135 (Whiteford)	Crimes; weapons; crimes of prohibition of possession of firearms and distribution of ammunition by persons convicted of certain felony; modify.
HB 6136 (Rendon)	Criminal procedure; sentencing guidelines; sentencing guidelines for crimes of possession or sale of firearm or ammunition by felon; expand to include certain misdemeanants.

Representative Chang, Representative Whiteford, and Representative Rendon, testified together in support of the bills. Questions and discussion followed. Trisha Gerald, representing the Wayne County Prosecutor's Office, came forward to testify in support of the bills. Further questions and discussion followed.

Emily Durbin, representing Moms Demand Action, testified with a neutral position on HB 6134.

Stephanie Johnson, representing the Michigan Association of Chiefs of Police, submitted a card in support of HB 6134, but did not wish to speak.

The following people submitted a card in support of the bills, but did not wish to speak:

Megan Noland, representing the Oakland County Sheriff.

Kathy Hagenian, representing the Michigan Coalition to End Domestic and Sexual Violence.

Chairman Kesto laid the following bills before the committee:

HB 6129 (Kesto)	Probate; trusts; powers and duties of a directed trustee; provide for.
HB 6130 (Calley)	Probate; trusts; powers and duties of a directed trustee; provide for.
HB 6131 (Iden)	Probate; trusts; powers and duties of a directed trustee; provide for.

Representative Lucido moved to adopt substitute (H-1) to HB 6129. The motion prevailed, the vote being 12-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Robinson, Guerra, Liberati, Wittenberg.

Nays: None.

Pass: None.

Representative Lucido moved to report out HB 6129, with recommendation, as substitute (H-1). The motion prevailed, the vote being 12-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Robinson, Guerra, Liberati, Wittenberg.

Nays: None.

Pass: None.

Representative Graves moved to adopt substitute (H-1) to HB 6130. The motion prevailed, the vote being 12-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Robinson, Guerra, Liberati, Wittenberg.

Nays: None.

Pass: None.

Representative Graves moved to report out HB 6130, with recommendation, as substitute (H-1). The motion prevailed, the vote being 12-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Robinson, Guerra, Liberati, Wittenberg.

Nays: None.

Pass: None.

Representative Chang moved to adopt substitute (H-1) to HB 6131. The motion prevailed, the vote being 12-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Robinson, Guerra, Liberati, Wittenberg.

Nays: None.

Pass: None.

Representative Chang moved to report out HB 6131, with recommendation, as substitute (H-1). The motion prevailed, the vote being 12-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Robinson, Guerra, Liberati, Wittenberg.

Nays: None.

Pass: None.

Chairman Kesto laid the following bills before the committee:

HB 4607	(Lucido)	Juveniles; criminal procedure; age of juvenile court jurisdiction and location of juvenile detention in some instances; modify.
HB 4653	(Kosowski)	Mental health; other; age of juvenile in disposition of persons found not guilty by reason of insanity; modify.
HB 4659	(Santana)	Criminal procedure; youthful trainees; age eligibility for youthful trainee status; raise to 18 years.
HB 4662	(Pagel)	Juveniles; criminal procedure; age of juvenile court jurisdiction in juvenile diversion act; modify.
HB 4664	(Afendoulis)	Juveniles; criminal procedure; definition of adult in Michigan indigent defense commission act; modify.
HB 4675	(Guerra)	Juveniles; criminal procedure; factors to consider when determining jurisdiction over juveniles in certain circumstances; modify.
HB 4676	(Garrett)	Juveniles; criminal procedure; age of juvenile jurisdiction in youth rehabilitation services act; modify.
HB 4677	(Chang)	Corrections; other; family advisory board; establish.
HB 4678	(Howrylak)	State agencies (existing); corrections; permissible purposes for closing open meeting to include discussion of certain information by family advisory board; establish.
HB 4685	(Webber)	Criminal procedure; sentencing; procedures for sentencing juveniles prosecuted for personal protection order violation; revise code of criminal procedure to revise age limit.
HB 4696	(Singh)	Criminal procedure; other; reporting the number of juveniles under the age of 18 tried for felony or misdemeanors as adults; require.
HB 4741	(Howrylak)	Corrections; jails; time confined in cells for incarcerated individuals under 21 years of age; develop policies to limit.
HB 4744	(Noble)	Juveniles; other; detention of juveniles in certain circumstances; modify.
HB 4753	(Runestad)	Juveniles; criminal procedure; specified juvenile violation definition; modify in probate code of 1939.
HB 4789	(Love)	Human services; county services; county child care fund reimbursement rate; increase.

HB 4793 (Jones)	Criminal procedure; sentencing; juveniles who may be sentenced in the same manner as an adult; revise criteria.
HB 4850 (Howrylak)	Juveniles; criminal procedure; juveniles under age 18 arrested for nonlisted offenses; provide for jurisdiction in the family division of circuit court.
HB 4969 (Brann)	Juveniles; criminal procedure; prejudication confinement of juveniles under 18 years of age in jail; preclude.
HB 5637 (Durhal)	Corrections; other; placement of youth under 18 with adults during confinement, trial, or transport; prohibit.
HB 6396 (Howrylak)	Juveniles; juvenile justice services; county juvenile justice services reimbursements; modify.

Representative Howrylak explained HB 6396 to the committee.

Rhonda Ihm and Judge John Gadola, both representing the 7th Judicial Circuit Court, and Jeff Getting, representing the Prosecuting Attorneys Association of Michigan, testified together in opposition to the bills. Questions and discussion followed.

Jason Smith, representing the Michigan Council on Crime and Delinquency, and Mark Brown, representing the Citizens for Prison Reform, testified together in support of the bills.

The following people submitted a card in support of the bills, but did not wish to speak:

Kathie Gourlay, representing herself.

John Gourlay, representing himself.

Peter T. Stevens, representing the Michigan Council on Crime and Delinquency.

Mark McWilliams, representing the Michigan Protections & Advocacy Service.

There being no further business before the committee, Chairman Kesto adjourned the meeting, the time being 11:00 a.m.

Representative Klint Kesto, Chair_____

Melissa Weipert, Committee Clerk
House Law and Justice Committee
mweipert@house.mi.gov
(517) 373-5176